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**2012 FLOOD RELIEF**

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**WHEREAS**, a Presidential Major Disaster was declared (FEMA, DR-4069) on July 6, 2012, for the following counties and tribal lands: Aitkin, Carlton, Cass, Cook, Crow Wing, Dakota, Goodhue, Itasca, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, St. Louis, and the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe, due to damage resulting from severe storms and flooding during the period of June 14-21, 2012; and,

**WHEREAS**, it is anticipated that the Minnesota Legislature will convene on August 24, 2012 in Special Session to consider appropriations for cost share and easement disaster recovery funding, and invoke M.S. 12A.05 which authorizes waivers of State Cost Share and Re-Invest in Minnesota (RIM) Rules for both existing and future contracts; and

**WHEREAS**, via the Minnesota Recovers Task Force coordination work, other agencies may have funding available to link or coordinate with BWSR appropriations, projects, or practices.

**NOW, THEREFORE, BE IT RESOLVED**, the Board authorizes 2012 Minnesota flood relief in the counties included in DR-4069 contingent on passage of related legislation with the following provisions:

I. General

- A. These funds shall be used to match or leverage federal funds where feasible, or used when federal funds are not available.
- B. State disaster assistance funds provided are intended to serve only as an advance of funds to enable the recipient to begin disaster recovery efforts. Soil and Water Conservation Districts (SWCDs), Local Government Units (LGUs), and landowners are expected to apply for all available non-State assistance and reimburse the state funds when Federal or other funds become available.
- C. Staff are authorized to develop additional program guidelines regarding eligibility, prioritization, payment rates, project specifications, agreement processing and record keeping, based on input from local governments and others to achieve consistency and accountability.
- D. The Executive Director may establish or adjust grant amounts for administration, engineering and other technical assistance that may be used for implementation by local government units, based on the project type and other sources of funding.
- E. Upon request, BWSR staff may extend existing grant agreements with LGUs up to two years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

II. Specific

- A. Relating to appropriations to BWSR for Erosion and Sediment Control, Water Quality and Watershed Protection, Cost-Share and Waiver of State Cost Share Program Rules.
  1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of: (1) the rehabilitation or repair of conservation practices, (2) installing conservation practices to repair flood damaged areas, or (3) new conservation practices that will mitigate future flood damage.
  2. SWCDs or LGUs may extend the completion dates of conservation practices for existing grant or easement agreements to December 31, 2014 and extend the two-year construction completion date for FY2011, FY2012 and FY2013 contracts to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.
  3. SWCDs or LGUs may modify the type of conservation practices on the State Cost-Share Program approved practice list to address critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
  4. State and federal contributions shall not exceed 100% of project costs.

5. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to the DR-4069 event on or after June 14, 2012, based on adequate and verifiable documentation.
6. Project costs shall include technical and administrative costs.
7. Up to \$250,000 each will be initially allocated to the following SWCDs: South St. Louis, Carlton, Lake, and Dakota.
8. Up to \$50,000 each will be initially allocated to the other SWCDs in the DR-4069 area.
9. The remaining funds will be allocated by the Executive Director based on needs and priorities from field assessments and information and applications submitted through the Minnesota Recovers Task Force.
10. The BWSR 2012 Flood Relief Cost Share Disaster Recovery Program Policy that is attached to and incorporated as part of this resolution.

**AND** furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the above general and specific provisions.



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Brian Napstad, Chair  
Board of Water and Soil Resources

August 23, 2012

Date: \_\_\_\_\_

**Attachment: BWSR 2012 FLOOD RELIEF COST SHARE DISASTER RECOVERY PROGRAM  
POLICY**

H:SMFBR